

IN SENATE OF THE UNITED STATES.

MAY 7, 1838.

Submitted, and ordered to be printed.

Mr. WHITE submitted the following

REPORT:

*The Committee on Indian Affairs, to whom were referred a communication from the acting Secretary of War, dated the 19th of April last, and the papers which accompanied it, asking that a law may be passed providing for the survey and assignment, in severalty, of lands belonging to the emigrated tribes of Indians west of the river Mississippi, have had the same under consideration, and ask leave to submit the following report :*

The committee find in this communication a proposition that the United States shall, at their expense, have surveyed, into small tracts, and set apart to be held in severalty, by individual Indians, the tract of country assigned and secured to the different Indian tribes who have emigrated west of the Mississippi river.

By the act of the 28th of May, 1830, the United States stand pledged that they will have the lands west of the Mississippi laid off into *districts*, and so surveyed and marked that each tribe may easily know the boundaries of its own district from that of every other tribe. This pledge, it is believed by the committee, has been redeemed to every extent that has heretofore been found necessary, and whatever part of it remains unredeemed will, without doubt, be attended to by the executive in due season. But so far as the committee are advised, Congress has never held out the idea to any of the tribes that the United States would have *partition* made of any of those *districts*, and assign to *individual* Indians the particular tracts that each or any should hold in severalty.

By the third section of the act before referred to, the President of the United States is authorized to "assure any tribe with which an exchange of lands is made, that the United States will forever secure and guaranty to them, their heirs, or successors, the country so exchanged with them ; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same."

From the whole tenor of this act, it is obvious the United States intended to provide a permanent home for all such tribes of Indians as then resided within the States or organized Territories as would agree to exchange the lands on which they then lived and remove west of the river Mississippi ;

and that when settled at their new homes, every reasonable effort should be made to induce them to abandon their roving habits and become cultivators of the soil. They were to remain a distinct and peculiar people, living under, and being governed by, their *own customs and laws*, controlled and governed only by the United States so far as, from time to time, might be found necessary for their own security and comfort, and the safety and happiness of the citizens of the United States.

Without doubt, the committee believe they ought to be encouraged in a desire to hold their property in severalty, because, until individuals are satisfied that they and their families will be secured in the exclusive enjoyment of the fruits of their own labor, it is not to be expected that habits of industry can be acquired to any considerable extent; but, at the same time, they ought not to be accustomed to look to the Federal Government to supply all their wants; on the contrary, they must be taught to look to themselves, to their own nation, for every thing within their own power.

The committee believe these dependant *tribes* must look to the United States for their titles to the districts of country assigned them, and then *each individual of each tribe*, who wishes to hold his land in *severalty*, must look to his *own tribe* for the title by which he is to enjoy his particular tract to the exclusion of all others.

Should the United States commence the task of surveying and laying off into townships, sections, half and quarter sections, the country assigned to any one tribe, they must, in fairness and impartiality, pursue the same plan as to *all*. This would create a large class of new officers, and vastly increase the expenditures of the Federal Government; and in the end, most probably, dissatisfy the Indians themselves, and operate so as to check all disposition to look to their own resources to supply their own wants.

In the opinion of the committee, each tribe ought to make such regulations as may best suit its own country and population, for a partition of their land among the individuals, and this at their own expense; and that whenever any one of the tribes may choose to enter upon this business, their agent ought to be instructed to give the best assistance in his power, to enable them to accomplish the object to the satisfaction of their people.

The committee recommend for adoption the following resolution:

*Resolved*, That it is inexpedient and impolitic for the United States to survey and make *partition* of the lands assigned to any *Indian tribe*, for the purpose of enabling the individuals of such tribe to hold their lands in *severalty*; and that such duties ought to be performed by the respective *tribes themselves*, for the benefit of their own people.